

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. C15-1352

**VERIFIED COMPLAINT FOR
FORFEITURE *IN REM***

REAL PROPERTY LOCATED AT
2560 109TH PLACE NORTHEAST,
BELLEVUE, WASHINGTON 98004,
KING COUNTY PARCEL NO.
068660-0100, TITLED IN THE NAME OF
CRAIG S. GILBERT AS TRUSTEE OF
THE BELLEWOOD FARMS TRUST,

AND

REAL PROPERTY LOCATED AT THAT
PORTION OF NW ¼ OF 18-26-04,
KING COUNTY PARCEL NOS.
182604-9081, 182604-9452, 182604-9453
AND 182604-9454, TITLED IN THE
NAME OF POTALA SHORELINE, LLC,

Defendants.

COMES NOW, the United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Richard E. Cohen and Justin Wells Arnold, Assistant United States Attorneys for said District, and alleges:

I. NATURE OF THE ACTION

1. This is a Complaint for forfeiture *in rem*, pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C) and 985, of the above-captioned Defendant Real Properties, which were involved in or traceable to money laundering violations of 18 U.S.C. § 1956(a)(1)(B)(i), and/or as properties constituting or derived from proceeds traceable to violations of 18 U.S.C. § 1343 (*Wire Fraud*)—which is a “Specified Unlawful Activity” (“SUA”), as incorporated by 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1).

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1345 and 1355.

3. This Court has venue over this action under 28 U.S.C. §§ 1355 and 1395.

II. THE DEFENDANT REAL PROPERTIES

4. The Defendant Real Properties are now and, during the pendency of this action, will be in the jurisdiction of this Court, and are described as follows:

A. Real property located at 2560 109th Place Northeast, Bellevue, Washington 98004, King County Parcel No. 068660-0100, titled in the name of Craig S. Gilbert as Trustee of the Bellewood Farms Trust, together with its buildings, improvements, appurtenances, fixtures, attachments and easements, more particularly described as:

LOT 10, BELLEWOOD FARMS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 50 OF PLATS, PAGE(S) 9, RECORDS OF KING COUNTY, WASHINGTON, SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
 PURPOSE: BRIDLE TRAIL
 RECORDING DATE: APRIL 17, 1952
 RECORDING NO.: 4228393
 AFFECTS: SOUTHERLY PORTION OF SAID PREMISES

- NOTE: SAID EASEMENT IS ALSO DELINEATED AND/OR DEDICATED ON THE FACE OF THE PLAT
2. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES AND STATEMENTS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON SAID PLAT. AN ALTERATION OF SUBDIVISION WAS RECORDED UNDER RECORDING NUMBER 20050228002712.
 3. COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT
RECORDING DATE: APRIL 7, 1952
RECORDING NO.: 4224986
MODIFICATION(S) OF SAID COVENANTS, CONDITIONS AND RESTRICTIONS
RECORDING DATE: AUGUST 28, 1952
RECORDING NO.: 4267157
 4. TERMS AND CONDITIONS OF NOTICE OF CHARGES OF WATER, SEWER, AND/OR STORM AND SURFACE WATER UTILITIES, RECORDED UNDER RECORDING NUMBER 9612200938.

1 B. Real property located at that portion of NW ¼ of 18-26-04, King County
 2 Parcel Nos. 182604-9081, 182604-9452, 182604-9453 and 182604-9454,
 3 titled in the name of Potala Shoreline, LLC, together with its buildings,
 4 improvements, appurtenances, fixtures, attachments and easements,
 5 described as follows (and more particularly described in Exhibit A,
 6 attached hereto):

7 POR OF SE 1/4 OF NW 1/4 DAF - BEG AT CTR OF SD SEC WCH IS
 8 ALSO PT ON C/L PSH #1 N 115TH ST TO N 160TH ST TH N 01-49-30
 9 W ALG SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S
 10 88-50-30 W 160 FT TH N 77-45-13 W 338.06 FT TH N 37-29-30 E ALG
 11 SELY MGN OF WESTMINSTER WY N 270.59 FT TO TPOB TH
 12 CONTG ALG SD MGN N 37-29-30 E 166.41 FT TO BEG OF CRV
 13 CONCAVE TO NW WITH RAD 1191.27 FT TH NELY ALG SD CRV
 14 26.74 FT THRU C/A OF 01-17-10 TO RADIAL LN OF SD CRV WCH
 15 BEARS S 53-47-40 E TH LEAVING SD MGN ON PROLOGATION OF
 16 SD RADIAL S 53-47-40 E 49.64 FT TH S 01-09-31E 114.95 FT TH S 88-
 17 50-30 W 55.22 FT TH S 37-29-30 W 70.00 FT TH N 52-30-30 W 78.00 FT
 18 TO TPOB PER KC LLA #883110, AND

19 POR OF SE 1/4 OF NW 1/4 BEG AT CTR OF SD SEC WCH IS ALSO
 20 PT ON C/L PSH #1 N 115TH ST TO N 160 TH ST TH N 01-09-30 W
 21 ALG SD C/L 88.50 FT TO HWY ENGR SURVEY STA 186+44.4 TH S
 22 88-50-30 W 160 FT TO POB TH N 01-09-30 W PLW SD C/L 215 FT TH
 23 S 88-50-30 W 123.55 FT TH S 37-29-30 W 52.16 FT TH S 01-09-30 E
 24 PLW SD C/L 137.06 FT TO N LN OF N 155TH ST TH S 77-45-13 E
 25 160.50 FT TO POB, AND

26 POR OF SE 1/4 OF NW 1/4 BEG AT CTR OF SD SEC WCH IS ALSO
 27 PT ON C/L PSH #1 N 115TH TO N 160TH ST TH N 01-09-30 W ALG
 28 SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S 88-50-30
 W 160 FT TH N 01-09-30 W 435.60 FT TO POB TH N 38-38-50 E 156.21
 FT TH N 01-09-30 W 119.06 FT TO NXN WITH LN DRWN PLW & 45
 FT SELY WHEN MEAS RADIALLY FR C/L OF WESTMINSTER WY
 N AS NOW ESTAB SD NXN BEING ON ARC OF CRV TO RGT
 HAVING RAD OF 1191.27 FT CTR PT OF WCH BEARS N 66-55-19 W
 TH SWLY PLW & 45 FT SELY OF SD C/L OF WESTMINSTER WY N
 ALG ARC OF SD CRV 272.94 FT TAP WCH BEARS S 53-47-40 E PR
 SD CTR PT TH S 53-47-40 E 49.64 FT TAP ON W LN OF SD PARCEL
 DEEDED TO PSP&L CO TH N 01-09-30 W 25 FT TO POB LESS POR
 FOR R/W PER, AND

POR OF SE 1/4 OF NW 1/4 DAF - BEG AT CTR OF SD SEC WCH IS ALSO PT ON C/L PSH #1 N 115TH TO N 160TH ST TH N 01-49-30 W ALG SD C/L 88.50 FT TO HWY ENG SURVEY STA 186+44.4 TH S 88-50-30 W 160 FT TH N 77-45-13 W 338.06 FT TO TPOB TH N 37-29-30 E ALG SELY MGN OF WESTMINSTER WY N 270.59 FT TH S 52-30-30 E 78.00 FT TH N 37-29-30 E 70.00 FT TH N 88-50-30 E 55.22 FT TH S 01-09-30 E 80.65 FT TH S 88-50-30 W 123.55 FT TH S 37-29-30 W 52.16 FT TH S 01-09-31 E 137.06 FT TH N 77-45-13 W 177.56 FT TO TPOB – PER KC LLA #883110.

III. FACTUAL BASIS FOR FORFEITURE

5. The facts supporting the forfeiture of the Defendant Real Property are set forth in the attached sealed Affidavit of Federal Bureau of Investigation (FBI) Special Agent Kathleen Moran in Support of Verified Complaint for Forfeiture *in Rem*, which is attached hereto as Exhibit B and incorporated as if fully set forth herein. As described in Exhibit B, an FBI investigation has revealed that, beginning approximately in April 2012 and continuing through the present, Mr. Lobsang Dargey (“Mr. Dargey”) misappropriated millions of dollars of foreign investor funds that were intended to finance the construction of two large commercial projects in Everett and Seattle. These foreign investors entrusted Mr. Dargey with their funds through a United States immigration program called the Immigrant Investor Program, also known as “EB-5” for Employment-Based Immigration: Fifth Preference. EB-5 allows foreign investors to obtain U.S. permanent residence visas by investing in new commercial enterprises in the United States that lead directly to the creation of U.S. jobs. Unbeknownst to investors and the Department of Homeland Security, United States Citizenship and Immigration Services (“USCIS”), Dargey has used tens of millions of these EB-5 funds to finance non-EB-5 projects to purchase the Defendant Real Properties.

IV. GROUNDS FOR RELIEF

6. By reason of the foregoing, the United States alleges that the Defendant Real Properties are subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C) and 985 as properties involved in or traceable to money laundering violations of 18 U.S.C. §

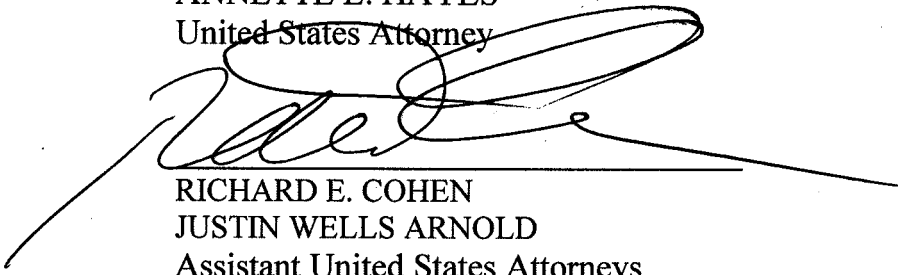
1 1956(a)(1)(B)(i), and/or as properties constituting or derived from proceeds traceable to
2 violations of 18 U.S.C. § 1343 (*Wire Fraud*)—which is a “Specified Unlawful Activity”
3 (“SUA”), as incorporated by 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1).

4 WHEREFORE, the United States requests that due process issue to enforce the
5 forfeiture of the Defendant Real Properties, that due notice be given to all interested persons
6 to appear and show cause why forfeiture of the Defendant Real Properties should not be
7 decreed, that the Defendant Real Properties be condemned as forfeited to the United States to
8 be disposed of according to law, and for such other and further relief as the Court may deem
9 just and proper.

10 DATED this 24th day of August, 2015.

11 Respectfully submitted,

12 ANNETTE L. HAYES
13 United States Attorney

14 
15 RICHARD E. COHEN
16 JUSTIN WELLS ARNOLD
17 Assistant United States Attorneys
18 United States Attorney's Office
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23
24
25
26
27
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VERIFICATION OF COMPLAINT

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Kathleen Moran, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

I am a Special Agent with the Federal Bureau of Investigation and am assigned to this case. I have read the attached Complaint and know the contents thereof; I have furnished the information contained in the foregoing Complaint based upon my own investigation and that of other reliable official Government sources; and, based on information and belief, the allegations contained in the Complaint are true.

Kathleen Moran, Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me this ____ day of August, 2015, by
Kathleen Moran.

Print: _____
Notary Public in and for the
State of Washington, residing
at _____
Expires: _____

EXHIBIT A
(Property Description)

EXHIBIT "A" Legal Description

For APN/Parcel ID(s): 182604-9081, 182604-9452, 182604-9453 and 182604-9454

Parcel A:

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, more particularly described as follows:

Beginning at the most Southwesterly corner of that certain parcel of land, as said parcel is shown and so designated as "site area" on that certain record of survey for People's National Bank (Joshua Green Trust) Aurora Triangle survey, recorded in book 6 of surveys, page 274, under recording number 7607010477, in King County, Washington;

Thence along the Southeasterly margin of Westminster Way North (Holman Road No. 2), as said margin is shown and so delineated on said record of survey, North 37°29'30" East 270.59 feet to the true point of beginning;

Thence continuing along said margin North 37°29'30" East 166.41 feet to the beginning of a curve concave to the northwest with a radius of 1191.27 feet;

Thence northeasterly along said curve 26.74 feet through a central angle of 01°17'10" to a radial line of said curve which bears South 53°47'40" East;

Thence leaving said margin on the prolongation of said radial South 53°47'40" East 49.64 feet;

Thence South 01°09'30" East 114.95 feet;

Thence South 88°50'30" West 55.22 feet;

Thence South 37°29'30" West 70.00 feet;

Thence North 52°30'30" West 78.00 feet to the true point of beginning.

Parcel B:

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Commencing at center of said Section 18, which is also a point on the centerline of Primary State Highway No. 1, North 115th Street to North 180th Street, as now located and of record in the office of the director of highways at Olympia, Washington, at highway engineer's survey station 185+55.9;

Running thence North 1°09'30" West along said centerline a distance of 88.50 feet to highway engineer's survey station 186+44.4;

Thence South 88°50'30" West a distance of 180.00 feet to the point of beginning of this description (which point is the southwesterly corner of that certain portion of the abandoned state road conveyed to Puget Sound Power & Light Company, a corporation, by deed recorded under recording number 3954784, bearing date of September 29, 1949);

Thence North 1°09'30" West parallel with said centerline a distance of 215.00 feet;

Thence South 88°50'30" West (at right angles) 123.55 feet;

Thence South 37°29'30" West 52.15 feet;

Thence South 1°09'30" East parallel with said centerline 137.06 feet to the North line of North 155th street, which point is on southerly line of said certain tract of land recorded under recording number 5829779;

Thence South 77°45'13" East (South 77°45'00" East from record deed) 160.50 feet to the point of beginning.

Parcel C:

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, more particularly described as follows:

Commencing at the center of said Section 18, which is also a point on the centerline of Primary State Highway No. 1, North 115th Street to North 180th Street, as now located and of record in the office of the director of highways at Olympia, Washington, at highway engineer's survey station 185+55.9;

Running thence North 1°09'30" West along said centerline a distance of 88.50 feet to highway engineer's survey station 186+44.4;

Thence South 88°50'30" West a distance of 180.00 feet to a point which is the Southwesterly corner of that certain portion of the abandoned state road conveyed to Puget Sound Power & Light Company, a corporation, by deed recorded under recording number 3954784, bearing date of September 29, 1949;

Thence North 1°09'30" West parallel with said centerline a distance of 435.60 feet to the point of beginning of this description, which point is northwesterly corner of said deeded tract conveyed to Puget Sound Power & Light Company;

Thence North 38°38'50" East, along the northerly line of said deeded tract, a distance of 156.21 feet to a point which is 60 feet distant westerly, when measured at right angles, from said centerline;

Thence North 1°09'30" East and parallel with said centerline a distance of 119.08 feet, to an intersection with a line drawn parallel with and 45 feet distant southeasterly, when measured radially, from the

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 182604-9081, 182604-9452, 182604-9453 and 182604-9454

Parcel C: (continued)

centerline of Westminster way (formerly Holman road no. 2) as now established, said intersection being on the arc of a curve to the right having a radius of 1191.27 feet, the center point of which bears North 66°55'19" West;
Thence southwesterly parallel with and 45 feet southeasterly of said centerline of Westminster Way, along the arc of said curve, a distance of 272.94 feet, to a point which bears South 53°47'40" East from said center point;
Thence South 53°47'40" East a distance of 49.64 feet to a point on the West line of said parcel deeded to Puget Sound Power & Light Company;
Thence North 1°09'30" West, along the west line of said deeded parcel, 25.00 feet to the point of beginning;

Except that portion thereof conveyed to the City of Shoreline pursuant to statutory warranty deed recorded under recording number 20090121001291.

Parcel D:

That portion of the Southeast Quarter of the Northwest Quarter of Section 18, Township 26 North, Range 4 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at the most Southwesterly corner of that certain parcel of land, as said parcel is shown and so designated as "site area" on that certain record of survey for People's National Bank (Joshua Green Trust) Aurora Triangle survey, recorded under recording number 7607010477, in King County, Washington;
Thence from said point of beginning and along the Southeasterly margin of Westminster Way North (Holman Road No. 2), as said margin is shown and so delineated on said record of survey, North 37°29'30" East 270.59 feet;
Thence leaving said margin South 52°30'30" East 78.00 feet;
Thence North 37°29'30" East 70.00 feet;
Thence North 88°50'30" East 55.22 feet to the northerly extension of the East line of parcel B as described herein;
Thence South 01°09'30" East 80.55 feet to the northeast corner of said parcel b;
Thence along said parcel B a bearing of South 88°50'30" West 123.55 feet;
Thence South 37°29'30" West 52.18 feet;
Thence South 01°09'31" East 137.06 feet to a point on the southerly line of said record of survey;
Thence along said southerly line North 77°45'13" West 177.56 feet to the point of beginning.